

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN JOSE AMESQUITA,

Petitioner,

v.

ROD HICKMAN,

Respondent.

1:05-CV-00055-REC-TAG-HC

ORDER DENYING MOTION FOR
APPOINTMENT OF COUNSEL
(Doc. 10)

Petitioner has requested the appointment of counsel. (Doc. 10). Petitioner contends that he is a laymen unfamiliar with legal matters and that the complexity of the issues in this habeas corpus proceeding are beyond his abilities. (*Id.*).

There currently exists no absolute right to appointment of counsel in habeas proceedings. *See e.g., Anderson v. Heinze*, 258 F.2d 479, 481 (9th Cir.), *cert. denied*, 358 U.S. 889 (1958); *Mitchell v. Wyrick*, 727 F.2d 773 (8th Cir.), *cert. denied*, 469 U.S. 823 (1984). However, Title 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice so require." *See* Rule 8(c), Rules Governing Section 2254 Cases. In the present case, the court does not find that the interests of justice would be served by the appointment of counsel at the present time. Accordingly, IT IS HEREBY ORDERED that petitioner's request for appointment of counsel (Doc. 10), is DENIED.

IT IS SO ORDERED.

Dated: October 27, 2005

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/s/ Theresa A. Goldner

UNITED STATES MAGISTRATE JUDGE